



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,638	09/06/2000	Arno Brill	P00,1122	5256

26161 7590 02/09/2004

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

EMDADI, MEHDI

ART UNIT	PAPER NUMBER
----------	--------------

2663

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/623,638

Applicant(s)

BRILL, ARNO

Examiner

Mehdi Emdadi

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 2-3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 0-06-2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

W. Im.

DETAILED ACTION

1. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

Drawings

2. The drawings were received on September 6, 2000. These drawings are acceptable.

Objections

3. A substitute specification inclusive of the amendments enclosed in correspondence dated 06 Sep 2000 for the claims is required pursuant to 37 CFR 1.125(a) because the multitude of amended items, together with the original text, are too difficult to be entered.
4. A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and (c)

Title

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The new title should preferably depict the concept of "path allocations through adjacent nodes." Further the term "device" may no longer be suitable, as the method for using switching equipment is also claimed (9-16). Applicant is reminded of the proper content of an abstract of the disclosure.

Abstract

6. A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. As to claim 1:
- a) "Divided into first connecting paths and second connecting paths" (page 10, lines 16-17) is hardly descriptive and leads to confusion. Further, this phrase does not match with the invention diagram of Fig. 2. where grouping is based on incoming or outgoing connection requests.
 - b) "occupied resources" (page 10, line 26) is too broad, leading to confusion.
 - c) "sufficient resources" (page 11, line 18) is too broad, leading to confusion with the first instance of "resources" in (b) above.

- d) "first storage" (page 10, line 25) and "second storage" (page 11, line 6) are not properly differentiated, leading to confusion. These storages can be interpreted as dispersedly located or as collocated.

10. As to claim 9: "allocating a transmission channel for said desired connection" (page 14, line 27) does not clearly state whether the controller or the adjacent switch is performing the allocation. For examination purposes, the controller is assumed to make the allocation.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claims 1, 4-16 are rejected under 35 U.S.C. 102(a) as being anticipated by the prior art submitted in Fig. 2 of the application. (*All references herein are to the pages and lines of the amended application.*)

13. Regarding claims 1, 9, prior art illustrated in Fig. 2 shows multiple switching devices in a communications network (switching equipment for a communications network). Referring to the same figure: Switching equipment 1, 2, and 3 are connected via a multiplicity of (adjacent switching equipment which is connected) connected paths (9,12,13, 10, 11, 14, 15, and 8) which are divided into incoming and outgoing (9, 10,12,13) (paths and second connecting paths).

The prior art describes: "only one of the two adjacent switching equipment is allowed to assign the virtual channel" (page 2, lines 23-24) (only authorized for said connecting paths...for allocating ...second corresponding path is authorized...second connecting paths). The referenced figure shows storage facilities with several fields of bits (first storage, second storage), including VPCI, VCI, and Busy Resources (4) (free or occupied resources), a controller (6) "which is responsible for processing incoming connection requests and for the corresponding connection setup to the other switching equipments 2,3" (page 4, lines 2-3) (a controller detecting... selecting ...transmitting), "the storing means (4) (second storage) store a table in which the free or, respectively, occupied bandwidth of all..." (page 4, lines 26-27) (free or occupied resources of said second), "the switching equipment 2 is allocation authorized" (page 4, line 16) (sufficient resources for said desired connection), "but must inquire the adjacent switching 2, 3 about the required bandwidth" (page 6, 13-14) (transmitting an inquiry message).

14. Regarding claims 4, 5, the prior art description in the application teaches: "and sends this B-ISUP message to one of the adjacent switching" (page 6, lines 17-18) (inquiry message), "the corresponding switching equipment ... allocates" (page 6, lines 21-22) (allocation of transmission channel via said adjacent switching equipment), "the switching equipment 1 is informed of the selected connecting path...channel ... VPCI, VCI... in a ... B-ISUP return-message" (page 7, lines 1-3) (confirmation message comprises ... allocated by said adjacent

switching ... and about said second connecting path—claim 4)(via B-ISUP signaling messages – claim 5).

15. Regarding claims 6, 14, the prior art description in the application teaches: “it is also configured in the storage” (page 4, line 19) (storing configuration data), “the switching equipment 1 is allocation-authorized for 9-11” (page 4, line 14)(switching equipment is authorized), “ the switching equipment 2 is allocation authorized for paths 12,13” (page 4, lines 16-17) (second connecting paths... but for which ... adjacent ... is authorized).

16.Regarding claims 7, 15, the prior art description in the application teaches: “it is also configured, in the storage 5, via which of the adjacent network nodes a connecting path is generally to be set up when a connection request is present” (page 4, lines 18-20)(configuration data ... to which said adjacent... when a connection request is present).

17. Regarding claims 8, 16, the prior art description in the application teaches:
“connecting path.... which is particularly applied in ATM boardband” (page 1, lines 13-15) (an ATM broadband).

18. Regarding claims 10 and 11, the prior art description in the application teaches:
“equipment 1... informs the switching equipment 2 about the selected connecting path and the allocated transmission channel” (page 6, lines 1-2) (transmitting ... subsequent to detecting...bits of information about ...allocated ...

channel – claim 10), “in the form of the first B-ISUP forward message” (page 6, line 5) (transmitted as a forward message – claim 11).

19. Regarding claims 12 and 13, the prior art description in the application teaches: “the switching equipment 1 is informed of the selected connection” (page 6, line 30) (renewing said bits... based on a confirmation ... channel allocated ... by said adjacent – claim 12), “in a corresponding first B-ISUP return-message” (page 7, lines 2-3) (via B-ISUP signaling message- claim 13).

Allowable Subject Matter

20. Claims 2, 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehdi Emdadi whose telephone number is (703) 305-8709. The examiner can normally be reached between the hours of 8am and 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached at (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications. Any inquiry of a

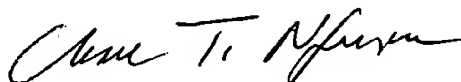
Art Unit: 2663

general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



M. Emdadi

Date: 1/29/2004



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600